

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DAVIS INTERNATIONAL, LLC,)
HOLDEX LLS, FOSTON)
MANAGEMENT, LTD, and OMNI)
TRUSTHOUSE, LTD,)

Plaintiffs)

v.)

Civil Action No. 04-1482 GMS

NEW START GROUP CORPORATION,)
VENITOM CORPORATION, PAN-)
AMERICAN CORPORATION, MDM)
BANK, URAL-GORNO METALURGICAL)
COMPANY, EVRAZ HOLDING,)
MIKHAIL CHERNOI, OLEG DERIPASKA,)
ARNOLD KISLIN, MIKHAIL NEKRICH,)
and ISKANDER MAKMUDOV,)

Defendants.)

ORDER

WHEREAS, on April 13, 2005, the court held a teleconference to discuss a discovery dispute regarding the defendants' Motion to Dismiss the Complaint (D.I. 47);

WHEREAS, the parties agreed to suspend briefing regarding the following issues raised in the defendants' motion to dismiss: (1) *forum non conveniens*; (2) international comity; (3) lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure; and (4) failure to state a claim pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure;

WHEREAS, the parties further agreed to an expedited briefing schedule regarding the defendants' motion to dismiss pursuant to the doctrine of direct estoppel (the "direct estoppel motion"); and

WHEREAS, the defendants agreed to re-file their opening brief in support of the direct

estoppel motion;

IT IS HEREBY ORDERED that:

1. The plaintiffs shall file an answering brief to the direct estoppel motion, according to the format set forth in the local rules of the District of Delaware, no later than **May 27, 2005**.
2. The defendants shall file a reply brief to the direct estoppel motion, according to the format set forth in the local rules of the District of Delaware, no later than **June 27, 2005**.

Dated: April 25, 2005

/s/ Gregory M. Sleet

UNITED STATES DISTRICT JUDGE